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RONALD HAUS AND EVA BEROU

**UNITED STATES DISTRICT COURT**

# **DISTRICT OF NEVADA**

RONALD HAUS, an individual; and EVA BEROU, an individual,

Case No. 2:20-cv-00263-RFB-NJK

**Plaintiffs,**

**STIPULATION AND ORDER TO  
EXTEND TIME FOR DEFENDANT TO  
RESPOND**

**(Second Request)**

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK AS TRUSTEE  
FOR THE BENEFIT OF THE CERTIFICATE  
HOLDERS OF THE CWALT, INC.,  
ALTERNATIVE LOAN TRUST 2004-J09,  
MORTGAGE PASS THROUGH  
CERTIFICATES, SERIES 2004-J09; SABLES  
LLC, a Nevada Limited Liability Company;  
DOE individuals 1 through 10; and ROE  
Corporations 1 through 10, inclusive,

## Defendants.

This is the Second Request to Extend the time to Respond, the First Request was denied without prejudice. IT IS HEREBY STIPULATED AND AGREED between Defendant THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATE HOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST 2004-J09, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2004-J09 (“Defendant”) and Plaintiffs, RONALD HAUS and EVA BEROU (“Plaintiffs”) (collectively the “Parties”), by and through their undersigned attorneys, that Defendant shall have up to and including April 7, 2020 to file a Response to Plaintiffs’ Complaint.

This is the Parties' second request for an extension and is not intended to cause any delay or prejudice to any party. The Parties request said extension for three reasons. First, Defendant has been made

1 aware of two prior cases in both the Nevada State<sup>1</sup> and Federal<sup>2</sup> courts involving these parties and the  
2 subject property. The Federal case was appealed to the Ninth Circuit. The Nevada state case spanned five-  
3 years, and numerous motions and other documents were filed in both prior cases. Defendant therefore  
4 requires time to evaluate the impact of those cases on the case currently at bar.

5 Second, the parties are currently exploring the settlement of this case. In order to save time, fees,  
6 and costs, the Parties may be able to negotiate this case prior to the Defendants' response to the Complaint.

7 Third, the Parties are exploring whether this case involves a question of first impression under NRS  
8 206.140 and whether that question should be first certified to the Nevada Supreme Court. Defendant does  
9 not stipulate that this case contains an issue of first impression, rather Defendant asserts that more time is  
10 necessary to evaluate this case to determine as much, should settlement not be achievable in the coming  
11 days.

12 In order to promote judicial economy and efficiency, the Parties respectfully request an extension  
13 on the time for Defendant to file a response to the Plaintiffs' Complaint and stipulate to the extension of  
14 said deadline until April 7, 2020.

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28 <sup>1</sup> EJDC Case No. A-15-721393-C.

<sup>2</sup> USDCNV Case No. 2:17-cv-01466-JCM-NJK.

1 Trial has not been set in this case yet.

2 **IT IS SO STIPULATED.**

3 DATED: March 6, 2020

DATED: March 6, 2020

4 WOLFE & WYMAN LLP

5 By: /s/ Racheal A. Ross, Esq.  
6 RACHEAL A. ROSS, ESQ.  
7 Nevada State Bar No. 14943  
8 6757 Spencer Street  
9 Las Vegas, NV 89119  
10 Attorneys for Defendant  
11 THE BANK OF NEW YORK MELLON  
12 FKA THE BANK OF NEW YORK AS  
13 TRUSTEE FOR THE BENEFIT OF THE  
14 CERTIFICATE HOLDERS OF THE  
15 CWALT, INC., ALTERNATIVE LOAN  
16 TRUST 2004-J09, MORTGAGE PASS  
17 THROUGH CERTIFICATES, SERIES  
18 2004-J09

19 By: /s/ Christopher V. Yergensen, Esq.  
20 CHRISTOPHER V. YERGENSEN, ESQ.  
21 Nevada Bar No. 6183  
22 395 Gatlinburg Ct.  
23 Henderson, NV 89012  
24 Attorney for Plaintiffs  
25 RONALD HAUS and EVA BEROU

**ORDER**

14 Based on the Stipulation of the parties, and good cause appearing therefore:

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant, THE BANK OF  
16 NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF  
17 THE CERTIFICATE HOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST 2004-  
18 J09, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2004-J09 shall have up to and  
19 including April 7, 2020 to file a Response to Plaintiffs' Complaint.

20 **IT IS SO ORDERED.**

21 DATED: March 13, 2020

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23 By:

24   
25 United States Magistrate Judge

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